

REMARKS

Applicant acknowledges the withdrawal of claims 20-44 from further consideration in this application. Applicant reserves the right to file a divisional application for claims 20-44, which are canceled in the foregoing amendments.

This Amendment adds new claims 45, 46 and 47, 48 which depend from independent claims 1 and 10, respectively. New claims 45 and 47 are directed to the polymeric coating having a degree of resiliency to absorb impact forces during a drop test. New claims 46 and 48 are directed to the polymeric coating comprising a unitary layer. Support for new claims 45 and 47 may be found, for example, in paragraph [0049] of the published version of this application (United States Patent Publication No. 2005/0109783). Support for new claims 46 and 48 may be found, for example, in paragraphs [0041 and 0044] of the foregoing publication.

In the Office Action, claims 1-19 stand rejected under 35 USC § 103(a) for obviousness over United States Patent No. 3,907,349 to Kane in view of United States Patent No. 5,411,162 to Koziczowski. Alternatively, claims 1-19 stand rejected under 35 USC § 103 (a) for obviousness over Koziczowski in view of Kane. In view of the following remarks, Applicant requests reconsideration of the Examiner's obviousness rejections of claims 1-19.

Kane discloses an end closure assembly for a container (10). The assembly includes a cover or end closure (11) having an annular contoured circumferential flange (16), a closure ring (20), and a locking bolt (27). A heat-shrinkable outer sealing tape (19) may be adhered to the outer surface of container (10), an annular bead (14) defined at the open end of container (10), and on the annular contoured flange (16) defined circumferentially around closure or cover (11), as shown in Fig. 2. The outer sealing tape (19) is provided to increase the resistance of assembled container (10) and closure (11) to drop tests. In particular, outer sealing tape (19) and closure ring (20) act to hold adhesively-connected inner seal (17) (also shown in Fig. 2) in an assembled position because this arrangement increases the frictional engagement between closure ring (20) and annular flange (16) covered by outer sealing tape (19) than is possible with a metal-to-metal engagement (i.e., if outer sealing tape (19) were not present), as discussed at column 10, lines 33-48 of Kane.

Koziczowski discloses a V-band coupling for an explosion-proof enclosure. As shown in Figs. 1-2, enclosure (10) includes a base (14) and a cover (16) which are secured by a V-band coupling (20). Coupling (20) includes a V-band (28). V-band (28) includes a

roughened layer (25) along its interior surface. Roughened layer (25) is provided on a sidewall (82) of V-band (28) and includes a textured surface (90) and a corrosion resistant coating (92), (as shown in Fig. 7). A suitable corrosion resistance coating for coating (92) is disclosed as being nickel (See column 4, lines 1-8 of Koziczowski).

Independent claim 1 is directed to a closure assembly comprising a split ring member, a locking device, and a polymeric coating applied to at least an inward facing side of the split ring member that contacts a cover and rim of a container. Independent claim 10 is directed to a container for transporting goods and materials comprising a container body, a cover, and a closure assembly. The closure assembly comprises a split ring member, a locking device, and a polymeric coating applied to at least an inward facing side of split ring member that contacts the cover and rim of the container.

With respect to the obviousness rejection based on Kane in view of Koziczowski, it is asserted on page 3 of the Office Action that Kane discloses “a container body 10, a cover 11, a split ring 20, and a locking device at 27”, and further teaches “an outer seal at 19 made of polyvinyl chloride”. It is then stated that the outer seal “19” disclosed by Kane is not a coating, and Koziczowski is cited as teaching “a coating on a split ring member (see coating 92)”. Applicant respectfully submits that the combination of Kane and Koziczowski fails to teach or suggest a split ring member with a polymeric coating applied on at least an inward facing side thereof for contacting the cover and rim of a container. It is clear from the disclosure of Kane that the heat-shrinkable outer sealing tape (19) disclosed in this patent is not a polymeric coating but is rather a heat-shrinkable plastic tape layer that is adhesively secured onto the external surface of container (10) and annular bead (14) defined at the open end of container (10) and, further, extends upward and onto the annular flange (16) formed on cover (11), as shown in Fig. 2 of Kane. This teaching in Kane is confirmed in the Office Action at the top of page 3 where it is stated that outer tape layer (19) is not a polymeric coating as claimed in independent claims 1 and 10. The subsequent citation of coating (92) disclosed by Koziczowski does not correct this inherent deficiency with the Kane disclosure. The cited coating (92) is disclosed in Koziczowski as being a corrosion resistant coating such as nickel. The textured surface of a roughened layer (25) provides a gripping feature to V-band (28). To the extent that the metal coating (92) has an added benefit of increasing the coefficient of friction between V-band (28) and elements (14, 16), Koziczowski does not suggest using just a coating to achieve gripping, much less a polymeric coating.

At best, Koziczkowski indicates that a metal coating can be applied to a gripping surface, but not that the metal coating itself creates a gripping surface. Moreover, nowhere in Koziczkowski is it suggested that metal coating (92) may be a polymeric coating as claimed in independent claims 1 and 10. Clearly, a metal coating such as nickel disclosed by Koziczkowski for corrosion resistance cannot be used as a basis for suggesting the application of a polymeric coating in place of the outer tape layer (19) in Kane. Neither reference provides any motivation for such a substitution. Koziczkowski teaches using a roughened surface, not a coating. Therefore, there is not a motivation to substitute the Kane polymer outer tape layer with Koziczkowski's metal coating. In view of the foregoing, it is respectfully submitted that the claimed polymeric coating provided on at least an inward facing side of a split ring member is not taught or suggested by either of these references, whether considered individually or in combination. Based on the complete lack of teaching of a polymeric coating provided on an inward facing side of a split ring member as claimed in independent claims 1 and 10, Applicant respectfully submits that a *prime facie* case of obviousness has not been established and requests reconsideration of the rejections of independent claims 1 and 10 over the cited references.

Since the alternative rejections of claims 1-19 over Koziczkowski in view of Kane have the same inherent deficiencies as discussed hereinabove in connection with Kane in view of Koziczkowski, the foregoing comments are incorporated by reference herein with respect to Koziczkowski in view of Kane. Koziczkowski's teaching of a metallic corrosion resistant coating is not substitutable by Kane's outer polymeric tape layer. The polymeric outer tape layer of Kane serves a distinct function from the metal coating of Koziczkowski. Neither reference suggests the desirability of substituting a corrosion resistant metal coating for a polymeric tape layer or vice versa. The asserted opportunity to combine these teachings is insufficient to establish a *prime facie* case of obviousness. (MPEP §2143.01 (III)).

Claims 2-9 depend directly or indirectly from independent claim 1 and distinguish over the cited references for all the reasons discussed hereinabove. Likewise, claims 11-19 depend directly or indirectly from independent claim 10 and distinguish over the cited references for all the reasons discussed previously. Reconsideration of these rejections is also respectfully requested.

Should the Examiner wish to discuss the claimed subject matter further, the Examiner is invited to contact the undersigned at the telephone number provided below. If it

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would be helpful to expedite prosecution of this application, the inventor, Vance M. Smith, could be included in such an interview as well.

Respectfully submitted,

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